

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JERRY MICHAEL PAYTON,
Plaintiff,

Case No. 1:17-cv-714
Dlott, J.
Litkovitz, M.J.

vs.

COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on the parties' joint motion to remand this case for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g) and to enter judgment pursuant to Federal Rule of Civil Procedure 58. (Doc. 15). Pursuant to the parties' agreement, upon remand, "the Appeals Council will vacate all findings in the Administrative Law Judge's decision." (*Id.* at 1). The Commissioner "will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, and then issue a new decision." (*Id.*). Further, "the ALJ will weigh the opinion evidence of record in accordance with the regulations." (*Id.*).

It is therefore **RECOMMENDED** that the parties' joint motion to remand (Doc. 15) be **GRANTED**, judgment be entered pursuant to Fed. R. Civ. P. 58, and that this case be **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g).

It is **ORDERED** that plaintiff's motion to supplement the record (Doc. 11) is **DENIED** as **MOOT**.

Date: 8/17/2018


Karen L. Litkovitz
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JERRY MICHAEL PAYTON,
Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

Case No. 1:17-cv-714
Dlott, J.
Litkovitz, M.J.

NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO R&R

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).